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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/857,494	06/06/2001	Hirotooshi Yamada	2611-0149P	5368
2292	7590	05/31/2005	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			CHOU, ALBERT T	
			ART UNIT	PAPER NUMBER
			2662	

DATE MAILED: 05/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/857,494

Applicant(s)

YAMADA ET AL.

Examiner

Albert T. Chou

Art Unit

2662

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 9-12 and 17-20 is/are rejected.
- 7) ☒ Claim(s) 5-8 and 13-16 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 April 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Response to Amendment*

1. The following is a response to the amendment filed on April 6, 2005.
  - Claims 1-20 is pending in the application.
  - The original claims 1-4, 9-12 and 17-19 remain rejected.
  - The newly added claim 20 is rejected under U.S.C. 102(b) as being anticipated by Saito et al. (US Patent No. 5,541,926).
  - The original claims 5-8 and 13-16 remain objected as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim 20 is rejected under 35 U.S.C. 102(b) as being anticipated by Saito et al. (US Patent No. 5,541,926) hereinafter referred to as Saito.

Regarding claim 20, Saito teaches the buffer in each time slot includes a configuration that determines the STM frame to which data read out from the time slot is issued without using predetermined frame boundary information [**Figs. 17; 611 & 612; Fig. 19; col. 20, lines 56-67; col. 21, lines 1-5**].

issued without using predetermined frame boundary information [Figs. 17; 611 & 612; Fig. 19; col. 20, lines 56-67; col. 21, lines 1-5].

### ***Response to Arguments***

4. Applicant's arguments filed on April 6, 2005 have been fully considered but they are not persuasive.

With respect to applicant's argument that "Saito does not set forth each and every element as defined in claims 1, 18, and 19. Specifically these independent claims recite providing a buffer each plurality of time slots to which data is distributed to be sent out to an STM circuit interface" and that "There is no teaching in Saito that the data of the ATM cell is distributed in particular time slots before it is stored in the jitter absorption buffer unit", Saito discloses that the ATM cell disassembly device of his invention can be modified variously. Specifically, the single configuration of Fig. 16 is applicable to the ATM cell disassembling of any data size from that of just one slot to that of any desired number of time slots [Col. 33, lines 11-20].

Saito teaches that the Jitter Absorption Buffer Unit 612 is formed by the large capacity of RAM (applicant argues that Jitter Absorption Buffer Unit 612 is "a single buffer"), which temporary stores the data outputted from the Filter Unit 611 [Col. 21, lines 66-67; col. 22, lines 1-2; ***wherein said cell disassembly units stores the data distributed in said buffer, and absorbs fluctuations of the cell***]. The start of the storing of the data into the Jitter Absorption Buffer Unit 612 is notified from the Filter Unit 611 to the Jitter Absorption Timer 614 [Fig. 17; col. 21, lines 22-24] and the Timer

Up Notice permitting the start of the operation at the AAL Processing Unit 613 is received from the Jitter Absorption Timer 614 to take out the data from the Jitter Absorption Buffer Unit 612 [Figs 17, 20 & 21; col. 28, lines 10-13; ***a buffer is provided in each time slot; stores the data distributed in each time slot temporarily in said buffer; sends out the distributed data to an STM circuit interface***]. The aforementioned function in Saito essentially teaches the same limitations in claims 1, 18 and 19 as argued by the applicant.

### ***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

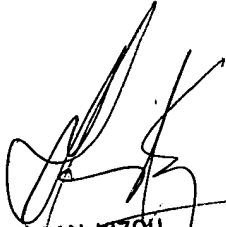
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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Albert T. Chou whose telephone number is 571-272-6045. The examiner can normally be reached on 8:30 - 17:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou can be reached on 571-272-3088. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AC  
Albert T. Chou  
May 25, 2005

  
HASSAN KIZOU  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600